



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 17, 2011

Short Stop, LLC
Attn: Nabin Joshi
1307 N Dolarway Rd
Ellensburg, WA 98926

RE: Notice of Non-Compliance with the Underground Storage Tank Regulations
Flying B 29, 1611 S Canyon Rd, Ellensburg
UST Site# 10589
Facility/Site ID# 386

Dear Mr. Joshi:

Recently, Ecology was notified by the Department of Licensing (DOL) that Flying B 29 is still not current with its requirement to have a current Master Business License with tank endorsement. Specifically, you have not provided proof of financial assurance to DOL, as required under WAC 173-360 Part IV. This is something you and I have discussed on several occasions.

- On January 20, 2011, you and other co-owners of Short Shop, LLC met with me at Ecology's Central Regional Office to discuss problems you were having obtaining proof of financial assurance. After speaking with Michael Huh, an independent insurance broker, it was determined that Colony Insurance was requiring current information about the status of the contaminated site. Based on this information, it was determined that a groundwater sampling event must take place to understand the contaminant levels at the property.
- On February 1, 2011, I conducted UST compliance inspections at Flying B 27 and 36. While onsite and prior to beginning these inspections, I discussed the seriousness of this issue. Kevin Wilkerson informed me that he had collected groundwater samples from the existing monitoring wells. The results were to be provided to Colony Insurance for the purposes of renewing the insurance policy.
- On March 15, 2011, I requested information about the status of the tank insurance policy by emailing Short Stop, LLC. I stated in my email that the facility has not been able to demonstrate financial responsibility since September 2010. I mentioned that I would need to move forward with enforcement because non-compliance with the financial

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responsibility requirement was unacceptable. You responded to my email stating that Kevin Wilkerson was working on sampling the wells.

- On March 16, 2010, I contacted Mr. Wilkerson about the groundwater sampling event. He had received the groundwater sampling results on February 14, 2010 and stated that he had sent both you and me a copy of the results. I explained to Mr. Wilkerson that I had never received them. As a result of our conversation, Mr. Wilkerson sent the results to you and me by email later that afternoon.

Based on the information that has been presented to me during these meetings and correspondences, it appears that Short Stop, LLC is taking a less than proactive approach to obtaining an insurance policy for Flying B 29. Because of this, Flying B 29 has been uninsured and out of compliance since September 30, 2010. Therefore, this Notice of Non-Compliance is being issued for the following violations.

1. Failure to comply with financial responsibility requirements

Under WAC 173-360-400, all owners and operators of petroleum UST systems are required to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from UST systems.

Flying B 29 has not had a current tank insurance policy for the UST system since September 18, 2010. In early December 2010, Short Stop LLC ran into problems when trying to renew its policy because Colony Insurance had, reportedly, not been notified of soil and groundwater contamination at the site. This site has been in violation of this requirement for six months.

2. Operating an UST system without a valid license.

Under WAC 173-360-130, an owner/operator cannot operate an UST system without a valid permit. Tank fees must be paid and proof of insurance must be provided to obtain a Master Business License from the Department of Licensing.

The Master Business License expired on November 30, 2010. A current MBL cannot be obtained without proof of financial responsibility. This violation is separate, but tied to the first.

To bring your UST system into compliance with the UST regulations and to meet the requirements of this Notice of Non-Compliance, you must complete the following actions by the deadlines provided.

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1. **By March 28, 2011**, obtain and provide proof of financial responsibility to Ecology.
2. **By March 28, 2011**, provide a copy of the current Master Business License with tank endorsements.

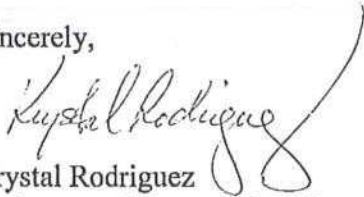
Immediately following each action listed above, please submit the documents required to the following address:

Dept. of Ecology
Attn: Krystal Rodriguez
15 W Yakima Ave, Suite 200
Yakima, WA 98902

If you fail to meet these deadlines you may be issued a penalty up to \$1600 and/or be required to temporarily close the UST system until proof of insurance can be provided.

If you have any questions regarding this letter, please feel free to contact me at (509) 454-7290 or krod461@ecy.wa.gov.

Sincerely,



Krystal Rodriguez
Underground Storage Tank Inspector
Toxics Cleanup Program

By Certified Mail: 7009 2250 0004 4951 8613